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In re Application of VAN SCHAIK et al
U.S. Application No.: 10/507,118
PCT Application No.: none
Int. Filing Date: none
Priority Date Claimed: 12 September 2003
Attorney Docket No.: 082671-0185
For: OBSERVATION DEVICE

DECISION

This is in response to applicant's "Petition to Convert PCT National Stage Application Under 37 C.F.R. § 1.182" filed 19 May 2006.

BACKGROUND

On 10 September 2004, applicant filed purported national stage papers in the USPTO including, *inter alia*, a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO-1390). Form PTO-1390 listed "PCT/NL03/102486" as the International Application Number.

On 27 April 2006, this Office mailed a communication which indicated that no record of International Application Number PCT/NL03/102486 can be found.

On 19 May 2006, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the application papers were erroneously submitted under 35 U.S.C. 371.

Pursuant to 35 U.S.C. 111(a)(4), the filing date of an application shall be the date on which the specification and any required drawing are received in the USPTO. In the present case, the papers submitted on 10 September 2004 contained a specification and drawings. Thus, the 10 September 2004 submission is entitled to a filing date under 35 U.S.C. 111(a).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

Any period of adjustment to the term of a patent under 37 U.S.C. 154(b) (May 29, 2000) may be reduced by the period of time beginning on the filing date accorded under 35 U.S.C. 111 and ending on the mailing date of this decision. See 37 CFR 1.704(a).

This application is being forwarded to the Office of Initial Patent Examination for processing of the application under 35 U.S.C. 111(a), including correction of Office computer records and issuance of a new filing receipt.



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